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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/408,112	09/29/1999	JEFFREY G. WHITELAW	245/282	3606

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EXAMINER

ROUVAS, NIKOLAOS

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/408,112

Applicant(s)

WHITELAW, JEFFREY G.

Examiner

Nikolaos Rouvas

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 15 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed on October 18, 2002 have been fully considered but they are not persuasive. Applicant argues that neither Kim nor Collings discloses "preset specification sets comprising a rating and a subject matter category". The examiner respectfully submits the following:

Kim clearly discloses a "preset rating code" in column 2, line 8; column 4, line 51; and in other places throughout the specification. Disclosed examples of ratings include, and are not limited to, TV-PG, PG-13, G, and so on. Kim discloses that "the user can select one rating from the... ratings" (column 6, lines 5-6 and lines 25-26). The user has the option of selecting the option "TABLE", where he can modify the **preset** ratings. However, the user can simply select a **preset** rating (e.g. TV-14), which includes **both a rating (TV-14) and a subject matter category (V, L, S, D)**. No further manipulation or navigation by the user is required. Therefore, the rejections of claims 1-19 as set forth in the first Office Action still stand.

Similar arguments apply for the Collings reference. As an example, Collings discloses that "a user could select 'PG-13' in the MPAA system so that all programming with a higher rating in the age category than PG-13 would be blocked" (column 22, lines 53-55). As can be seen from Table V (column 24), each selection includes **both a rating (e.g. PG) and a subject matter category (V, L, S)**. Once again, no further manipulation or navigation by the user is required. Therefore, the rejections of claims 20-28 as set forth in the first Office Action still stand.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-7, 9, and 11-18, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,995,133 to Kim.

In regards to claims 1 and 2, the reference discloses a method for blocking out programs according to a viewer's preferences. "Preset rating" codes (column 2, line 8) such as "Television Guidelines" (column 5, line 48) and "Motion Picture Guidelines" (column 5, line 50) are permanently stored in the device, comprising of a rating and a subject matter category (Figures 11, 12, 16). A "receiving section" (column 2, line 41) receives the program signal and outputs audio and video via the "audio circuit" (column 2, line 44) and "video circuit" (column 2, line 46), while a decoder outputs a "rating code" (column 2, line 50) retrieved from the program's "rating signal" (column 2, line 48). A user can "select" (column 5, line 56) a rating code that is compared with the program's read out rating code via the "control section" (column 2, line 51), which "executes an operation for blocking out the program" (column 5, lines 64-65) according to this comparison.

In regards to claim 3, the reference discloses that "if the rating code of the received program is out of scope of the preset rating code" (columns 6-7, lines 66-1), the audio and video outputs are blocked out.

In regards to claims 4-6, the reference clearly discloses television ratings, movie ratings, and one of the subject matter categories of FV, D, L, S, and V (see Figures 11-13, 16, and column 6, lines 6-7, 26).

In regards to claim 7, the reference clearly discloses a plurality of preset content-based specification sets such as "Television Guidelines", "Movie Guidelines", and "Unrated Programs" (see column 5, lines 47-53).

In regards to claim 9, Kim discloses a "restriction menu screen" (column 5, line 57) through which the user selects the specification set he desires.

In regards to claim 11, Kim discloses that a "password" (column 4, line 23) is to be entered when the user modifies and/or selects a preset specification set.

In regards to claim 12, Kim discloses that a "user's identification" (column 4, line 61) is to be used when modifying or selecting a rating code, whose operation is affected as described in columns 4-5, lines 65-6.

In regards to claims 13 and 14, Kim discloses a memory component where the rating codes are stored, which is either "random access memory or non-volatile memory" (column 4, lines 24-25). The memory is an integral part of the device, thus permanent. Modification and selection of the desired rating code is done via a "macro function key" (column 4, line 22). As it is well known in the art, macros are sequences of computer instructions that get inserted into a program during execution or compilation (essentially, mini-programs). The control section compares the received rating code with the preset rating code and blocks the program signal accordingly. The control section is controlled by a "micro-computer" (column 4, line 34), which, upon determination of what action should be taken, "executes an operation" (column 5, line 64)

and generates the appropriate control signal. A blocking signal is generated when “the rating code of the received program is out of scope of the preset rating code” (columns 6-7, lines 66-1).

In regards to claims 15-18, they are rejected based on the same criteria used to reject claims 4-7, respectively.

2. Claims 20-28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,828,402 to Collings.

In regards to claim 20, Collings discloses an apparatus for selectively blocking A/V signals. The apparatus comprises of “non-volatile memory” (column 11, line 40), which is an integral part of the apparatus, thus permanent, and a logic unit (element 42) coupled to the non-volatile memory as can be seen from Figure 2. The unit detects the rating and subject matter category from the transmitted signal, compares it with “user preferences stored in memory” (column 3, line 6), and generates an appropriate control signal which either blocks or passes the transmitted program signal.

In regards to claims 21 and 26, the reference discloses an output device comprising of elements 39 and 34 as can be seen from Figure 2.

In regards to claim 22, Collings discloses a “remote control transmitter” (column 16, line 25), a “receiver” (column 16, line 22), and an “on screen display generator” (column 16, lines 22-23), which are used as a configuration entry system by the user.

In regards to claim 23, Collings clearly discloses a “data slicer” (column 8, line 51), which detects and extracts “one or more embedded codes in video signal” (column 3, lines 62-63).

In regards to claims 24 and 25, Collings discloses “switching means” (column 3, line 46), which can be in the form of “electromechanical relays or electronic switches” (column 3, line 51), or “apparatus which can selectively degrade signal, or add noise to signal” (column 3, lines 56-57), i.e., a scrambler.

In regards to claim 27, Collings discloses that the non-volatile memory can be “ROM” (column 11, line 43).

In regards to claim 28, Collings discloses a “microprocessor” (column 8, line 35), which controls the operation of the apparatus.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,995,133 to Kim.

In regards to claims 8 and 19, Kim includes all of the limitations set forth in them, but does not disclose a single content-based specification set. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a single content-based specification set for the sake of simplicity, i.e., requiring the user to go through less steps when configuring his preferences.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in further view of U.S. Patent No. 6,216,263 to Elam. Kim includes all of the limitations set forth in claim 10, but does not disclose a dedicated function key. Elam however, discloses a “designation panel” (column 5, line 6), with “push-button switches which when depressed designate respective program content categories” (column 5, lines 10-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kim’s apparatus with Elam’s teachings so that a preset content-based specification set could be selected with a dedicated function key in order to make the user’s preferences configuration process faster and easier.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Nikolaos Rouvas** whose telephone number is **(703) 305-6955**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John Miller**, can be reached at **(703) 305-4795**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks


Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600